

(2012) 06 MAD CK 0111
In the Madras High Court
Case No : C.R.P. NPD. No. 1785 of 2012

K.B. Mohammed Dhajudeen

APPELLANT

Vs

Salem Mohammed Pura Parimala Sunnath Jamath Masjid
Committee and Others

RESPONDENT

Date of Decision : 12-06-2012

Acts Referred:

Citation : (2012) 3 LW 485

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

Advocate : N.A. Nissar Ahmed, for the Appellant;

Final Decision : Dismissed

Judgement

Honourable Mr. Justice G. Rajasuria

1. Animadverting upon the order dated 4.11.2011 passed by the Wakf Tribunal Authority (Principal Sub Judge), Salem, in W.O.P. No. 2 of 2006, this civil revision petition has been preferred. A thumbnail sketch of the germane facts absolutely necessary for the disposal of this civil revision petition, at the entertaining stage itself, would run thus:

(i) The revision petitioner herein filed the W.O.P. No. 2 of 2006 before the Wakf Tribunal, with the following prayer:

a) to direct the respondents to put the petitioner in possession of the petition mentioned property as a tenant within the time fixed by this Honourable Court.

b) to direct the respondents to pay the costs of the proceedings to the petitioner.

(Extracted as such)

by contending that he happened to be the tenant under the Salem Mohammed Pura Parimala Sunnath Jamath Masjid; however, without resorting to legal process, he was illegally thrown away from the suit property; whereupon he was

constrained to approach the Wakf Tribunal by filing the above W.O.P. No. 2 of 2006.

(ii) After contest the said WOP was dismissed.

2. Being aggrieved by and dissatisfied with the same, this revision has been filed.

3. The learned counsel for the petitioner would submit that the status of his client was that of a tenant and he ought not have been dispossessed, illegally.

4. When this Court raised the query as to why the revision petitioner approached the Tribunal, instead of approaching the civil Court for asserting his right and for regaining possession of the property, as per law, if at all his case was true and correct one, there is no plausible explanation forthcoming from the learned counsel for the petitioner.

5. At this juncture, I fumigate my mind with the following judgement of the Honourable Apex Court:

Ramesh Gobindram (dead) through Lrs. Vs. Sugra Humayun Mirza Wakf, , an excerpt from it would run thus:

35. In the cases at hand, the Act does not provide for any proceedings before the Tribunal for determination of a dispute concerning the eviction of a tenant in occupation of a wakf property or the rights and obligations of the lessor and the lessees of such property. A suit seeking eviction of the tenants from what is admittedly wakf property could, therefore, be filed only before the civil court and not before the Tribunal.

A mere perusal of the said judgement would exemplify and demonstrate that Wakf Tribunal is having no jurisdiction relating to eviction of a tenant in the Wakf property or the status of a person as tenant. In such a case, the tenant cannot seek redressal before the Wakf Tribunal, but he could seek redressal in the civil Court, if at all his case is true and genuine.

With the above observation, the civil revision petition stands dismissed. However, there is no order as to costs.